

Proposed text amendments to the B-5 District (DRAFT, 11/1/2017):

**DIVISION 23.
B-5 CENTRAL BUSINESS DISTRICT**

Sec. 30-442.1. Permitted principal and accessory uses.

The following uses of buildings and premises shall be permitted in the B-5 district, provided that drive-up facilities and facilities for dispensing motor fuels shall not be permitted in conjunction with any of the uses permitted in the district.

A plan of development shall be required as set forth in article X of this chapter for such uses as specified in this section and for any newly constructed building with greater than 50,000 square feet of floor area, provided that a plan of development shall not be required for any use that is subject to location, character and extent approval by the city planning commission in accordance with section 17.07 of the City Charter.

(1) Adult day care facilities;

~~(1)~~ **(2)** Art galleries;

~~(2)~~ **(3)** Banks, savings and loan offices and similar financial services, including accessory automated teller machines accessible only from the interior of buildings devoted to such uses;

(4) Day nurseries licensed by and subject to the requirements of the state department of social services;

~~(3)~~ **(5)** Dry cleaning and laundering establishments, provided that the total capacity of all dry cleaning machines shall not exceed 100 pounds dry weight and the total capacity of all laundry machines shall not exceed 150 pounds dry weight, and provided further that no such use shall be located on a transitional site;

~~(4)~~ **(6)** Dwelling units, provided that when such units are located within buildings fronting on streets designated as street oriented commercial frontage, ~~as shown below~~, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire street oriented commercial frontage, except for ingress and egress. A plan of development shall be required as set forth in article X of this chapter for construction of any new building containing more than ten dwelling units; (Ord. No. 2011-205-2012-1, 1-9-2012)

~~(5)~~ **(7)** Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;

~~(6)~~ **(8)** Hotels, provided that: [Ord. No. 2010-177-173, § 1, 10-11-2010]

a. No such use shall be located on a transitional site;

b. The ground floor of portions of buildings adjacent to principal street frontages **or any priority street frontage** shall be devoted to those uses specified in subsections ~~(1), (2), (5), (13), (18) or (19)~~ **(2), (3), (7), (14), (20), or (21)** of this section, provided that not more than 30 percent of the frontage of such ground floor may be devoted to entrances or lobbies serving the hotel use;
(Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

c. A plan of development shall be required as set forth in article X of this chapter.

~~(7)~~ **(9)** Laundromats and laundry and dry cleaning pick-up stations;

~~(8)~~ **(10)** Libraries, museums, schools, parks and noncommercial recreational facilities, when such uses are owned or operated by a governmental agency or a nonprofit organization; and other uses required for the performance of a governmental function and primarily intended to serve residents of adjoining neighborhoods;

~~(9)~~ **(11)** Office supply, business and office service, photocopy and custom printing establishments;

~~(10)~~ **(12)** Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts;

[NOTE: Parking areas and parking lots were removed as a principal use by Ord. No. 2017-219 on February 27, 2017.]

~~(11)~~ **(13)** Parking decks and parking garages, provided that:

a. No portion of such structure located along a principal street frontage or **priority street frontage** shall be used for parking or related circulation of vehicles, but such portion shall be devoted to other permitted principal uses which shall have a depth of not less than 20 feet along the principal street frontage **or priority street frontage** or to means of pedestrian or vehicle access, provided that vehicle access along such street frontage shall be permitted only when no other street or alley is available for adequate access. In the case of a portion of a story located along a principal street frontage **or priority street frontage** and having less than five feet of its height above the grade level at the building façade along the street frontage, the provisions of this paragraph prohibiting parking or related circulation of vehicles shall not apply, provided that parking spaces shall be completely screened from view from the street by structural material similar to the material of the building façade;

b. Except as provided in paragraph (a) of this subsection (12), parking spaces contained therein shall be screened from view from abutting streets by structural material of not less than 45 percent opacity;

c. Any card reader or other access control device at an entrance to a parking deck or parking garage shall be provided with not less than one stacking space situated off the public right-of-way; (Ord. No. 2017-019, 2-27-2017)

d. A plan of development shall be required as set forth in article X of this chapter. (Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012; Ord. No. 2017-019, 2-27-2017)

~~(12)~~ **(14)** Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments;

(15) Pet shops, veterinary clinics and animal hospitals, including boarding kennels operated in conjunction therewith, provided that all facilities shall be located within completely enclosed and air conditioned buildings which are soundproof to the extent that sounds produced by animals kept or treated therein are not audible outside the building;

~~(13)~~ **(16)** Postal and package mailing services, but not including package distribution centers;

~~(14)~~ **(17)** Printing, publishing and engraving establishments employing not more than 20 persons the premises;

~~(15)~~ **(18)** Professional, business and vocational schools, provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

~~(16)~~ **(19)** Recreation and entertainment uses, including theaters and museums, when such uses are located within completely enclosed buildings, and provided that no such use shall be located on a transitional site;

~~(17)~~ **(20)** Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses and entertainment in conjunction therewith. Such establishments may include areas outside completely enclosed buildings and intended for service to or consumption of food and beverages by patrons, provided that the following conditions shall be met:

a. No deck, patio, terrace or other area outside a completely enclosed building and used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district;

b. Covered trash containers shall be provided in service areas, and fences, walls or vegetative screening shall be provided around service areas, except at entrances and exits, to prevent refuse from blowing onto adjacent properties or streets. Fences or walls to be credited toward this requirement shall comply with fence and wall design guidelines adopted by resolution of the planning commission, or their equivalent as determined by the zoning administrator. In no case shall chain link, chain link with slats or similar fencing be considered as meeting the requirements of the fence and wall design guidelines;

c. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the boundaries of the premises.

~~(18)~~ **(21)** Retail stores and shops;

~~(19)~~ **(22)** Rights-of-way, easements and appurtenances necessary for the provision and maintenance of public utilities and public transportation, including streets, rail lines, power lines, cables, poles, pipes, meters, transformers and similar devices, but not including railroad yards, freight or passenger depots, loading platforms, generating plants, transformer stations, electric substations, wastewater treatment plants, water treatment plants, utility storage yards and similar uses;

(23) Sales lots for Christmas trees, vegetable stands and other seasonal uses, but not including flea markets, and provided no such use shall be located on a transitional site;

~~(20)~~ **(24)** Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building;

~~(21)~~ **(25)** Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;

(26) Uses owned or operated by a governmental agency, but not including facilities intended for incarceration or alternative sentencing or facilities primarily for the care, treatment or housing of persons who are currently illegally using or are addicted to a controlled substance as defined in section 54.1-3401 of the Code of Virginia;

~~(22)~~ **(27)** Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures, provided that a plan of development shall be required in accordance with the requirements of article X of this

chapter and in accordance with the additional requirements of sections 30-692.1 through 30-692.6;

~~(23)~~ **(28)** Accessory uses and structures customarily incidental and clearly subordinate to uses permitted in this district, including automated teller machines accessible only from the interior of buildings devoted to permitted principal uses other than individual dwelling units or lodging units.

(Code 1993, § 32-442.1; Ord. No. 2004-180-167, §§ 2, 4, 6-28-2004; Ord. No. 2006-43-63, § 1, 3-13-2006; Ord. No. 2017-019, 2-27-2017)

Sec. 30-442.1.1 Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-5 district by conditional use permit as set forth in article X of this chapter:

- (1) Nightclubs; (Ord. No. 2012-234-2013-2, § 1, 1-14-2013)
- (2) Parking areas and parking lots; (Ord. No. 2017-019, 2-27-2017)
- (3) Retail sales of liquor. (Ord. No. 2011-29-150, 9-12-2011)

Sec. 30-442.2. Nonconforming uses.

Alterations to buildings or structures devoted to nonconforming uses in the B-5 central business district shall be subject to section 30-800.1.

Sec. 30-442.4. Yards.

Yard regulations in the B-5 district shall be as follows (see article VI, division 4, of this chapter):

- (1) *Front yard.*
 - a. Where no existing buildings are located on adjacent lots along the same street frontage, no front yard shall be required. In no case shall a front yard with a depth greater than ten feet be permitted, except as may be authorized pursuant to paragraph “d” of this subsection.
 - b. Where an existing building is located on one adjacent lot along the same street frontage, the front yard shall be the same as the front yard provided for such existing building, but in no case greater than ten feet. Where the front yard of such existing building is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

c. Where existing buildings are located on both adjacent lots along the same street frontage, the front yard shall be the same as the front yard provided for the existing building closest to the street, but in no case greater than ten feet. Where the front yard of the existing building closest to the street is greater than ten feet, the front yard requirement shall be ten feet. A front yard with a depth greater than permitted by this paragraph may be authorized pursuant to paragraph “d” of this subsection.

d. A front yard with a depth greater than permitted by application of the provisions of paragraphs “a” through “c” of this subsection may be provided when such front yard is improved for purposes of a pedestrian plaza or outdoor dining area as permitted by section 30-440.1 of this division and is approved subject to a plan of development as set forth in article X of this chapter. Except where the property is within an old and historic district, the city urban design committee shall review the application and plans and submit a recommendation to the director of planning and development review prior to approval of such plan of development by the director.

e. A building entrance feature that is set back from the street a greater distance than the primary building façade along the street and that is no greater than two times the width of the building entranceway shall be permitted, and shall not be subject to the provisions of this subsection. [Ord. No. 2010-177-173, § 1, 10-11-2010]

(2) *Side yards.* No side yards shall be required, except that where a side lot line abuts or is situated across an alley from property in an R or RO district there shall be a side yard of not less than ten feet in width.

(3) *Rear yard.* No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district there shall be a rear yard of not less than 20 feet in depth.

Sec. 30-442.5. Screening.

Screening regulations in the B-5 central business district shall be as follows:

(1) Where a side lot line abuts property in an R district, there shall be a continuous evergreen vegetative screen not less than 3 1/2 feet in height at the time of installation or opaque structural fence or wall not less than four feet in height erected along such lot line, but not within 15 feet of any street line. Evergreen vegetative material intended to satisfy this subsection shall be planted at such intervals that will result in a continuous visual screen within one year of planting.

(2) Screening of parking areas and refuse areas shall be provided as set forth in sections 30-660 and 30-710.12.

Sec. 30-442.5:1. Requirements for areas devoted to parking or circulation of vehicles.

(a) *Location of parking and circulation areas.* Areas devoted to the parking or circulation of vehicles shall not be located between the main building on a lot and the street line, nor shall such areas be located closer to the street than the main building on the lot. On a lot having more than one street frontage, this subsection shall apply ~~only along~~ to the principal street frontage of the lot as defined in section 30-1220 **as well as any priority street frontage.**

(b) *Driveways from streets.* No driveway intersecting a street which constitutes the principal street frontage or **priority street frontage** of a lot shall be permitted when other street frontage or alley access is available to serve such lot. For purposes of this subsection, principal street frontage shall be as defined in section 30-1220.

(c) *Improvement requirements and landscaping standards.* In addition to subsections (a) and (b) of this section, parking areas and parking lots shall be subject to the applicable improvement requirements and landscaping standards set forth in article VII, division 2.1, of this chapter.

[Ord. No. 2010-177-173, § 1, 10-11-2010]

Sec. 30-442.6. Height.

Height regulations in the B-5 district shall be as follows:

(1) *Maximum height.* No building shall exceed five stories in height. For purposes of this section 30-442.6, story height as defined in article XII of this chapter shall be not less than ten feet and not greater than 15 feet, except that the ground floor of a building may be of greater height. (Ord. No. 2011-205-2012-1, 1-9-2012)

(2) *Minimum height.* Every main building hereinafter constructed shall have a minimum height of not less than two stories, except that porches, porticos and similar structures attached to a main building may be of lesser height.

(3) *Determination of number of stories.* For purposes of this section 30-442.6, the number of stories in a building shall be determined by application of the definition of “story” set forth in article XII of this chapter and shall be measured at the building facade along the street frontage of the lot or, in the case of a corner lot, shall be measured at the building facade along the principal street frontage of the lot.

[NOTE: Section (4) entitled, “*Height measurement in case of floodplains*” was repealed from the Ordinance on January 9, 2012, but was Reordained as Division 13 entitled, “*Special Provisions in Floodplains*” (See: 30-696 – 30-696.3)]
(Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012)

Sec. 30-442.7. Building facade fenestration.

Fenestration requirements applicable to building facades along street frontages in the B-5 district shall be as set forth in this section. In the case of a corner lot, the requirements shall be applicable along the principal street frontage of the lot **as well as along any priority street frontage.**

(1) *Street level story.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsection 30-442.1 ~~(8)~~ **(10)**, a minimum of 60 percent of the building facade between two and eight feet in height along the street frontage shall be comprised of windows or glass doors or both that allow views into and out of the interior building space. Windows used to satisfy this requirement shall have a minimum height of four feet. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, a minimum of 30 percent of the building façade above such mean grade level shall be comprised of windows or glass doors or both that allow views into and out of the interior building space, provided that in the case of a street level story having less than five feet of its height above the grade level at the building facade along the street frontage of the lot, the requirements of this subsection (1) “a” shall not apply.

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height along the street frontage. In the case of a street level story having less than its full height above the mean grade level at the building façade along the street frontage of the lot, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 15 percent of the building facade above such mean grade level, provided that in the case of any portion of a story having less than five feet of its height above the grade level at the building façade along the street frontage of the lot, the requirements of this subsection (1) “b” shall not apply. In all cases, windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(2) *Upper stories.*

a. *Nondwelling uses.* For nondwelling uses, other than those listed in subsection 30-442.1 (8), windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above the street level story.

b. *Dwelling uses.* For dwelling uses, windows or glass doors or both that allow views out of the interior building space shall comprise a minimum of 30 percent of the building facade between two and eight feet in height above the floor level of each story above

the street level story. Such windows shall be double-hung, single-hung, awning or casement type, and fixed windows shall be permitted only as a component of a system including operable windows within a single wall opening.

(Ord. No. 2010-177-173, § 1, 10-11-2010; Ord. No. 2011-205-2012-1, 1-9-2012)